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FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON DC 20001-4413

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In re Application of
OSAMU ARISUMI
Application No. 09/617,138
Filed: 07/14/2000
Attorney Docket No. 04329.2350

OFFICE OF PETITIONS

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.181, filed on March 29, 2007, to withdraw the holding of abandonment.

On September 6, 2000, the Office mailed a Notice to File Missing Parts of Nonprovisional Application, which set a two-month extendable period to reply. In the apparent absence of a timely response, the application became abandoned on November 7, 2000. On March 15, 2007, the Office mailed a Notice of Abandonment.

Applicants asserted that the Notice of Abandonment was mailed in error because they filed a Response to Notice to File Missing Parts, including the payment of the \$130.00 surcharge, on November 6, 2000. Applicants included a copy of the Response to Notice to File Missing Parts and a copy of their date-stamped postcard receipt, acknowledging receipt of the reply in the USPTO on November 6, 2000.

The Office has not located the original correspondence. Section 503 of the MPEP states, “[a] post card receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO.” Accordingly, it is concluded that the response was filed timely in the USPTO on November 6, 2000, but was not matched with the application.

The petition is granted. The Notice of Abandonment is hereby withdrawn.

This matter is being referred to the Office of Initial Patent Examination for further processing.

Telephone inquiries specifically concerning this decision should be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions